

Teens can sue Backpage.com over sex-trafficking, court rules

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Washington state's highest court says Backpage.com can be sued for hosting escort ads that exploit girls, aiding in their being "bought and sold" as prostitutes.

By [Mike Carter](#)

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A divided Washington Supreme Court has ruled that the website Backpage.com can be sued in state court by three girls who claim it aided in their being "bought and sold" as prostitutes.

The decision may be the first in the country to hold the website accountable for its content.

The [court ruled 6-3](#) that Backpage.com, which hosts personal advertisements, some for thinly disguised prostitution, cannot claim immunity under the federal Communications Decency Act of 1996, which shields web providers from liability for hosting content developed by others. Backpage.com had sought to dismiss the suit, but the motion was denied by a lower court and the company appealed.

The majority justices concluded that, based on the allegations in the girls' lawsuit, Backpage.com "helped to produce the illegal content and therefore are subject to liability under state law."

The justices sent the lawsuit, which was [filed in 2012](#), back to King County Superior Court for further hearings and possible trial.

Justice Steven Gonzalez, writing for the majority, noted that the three plaintiffs have "been the repeated victims of horrific acts committed in the shadows of the law."

“They brought this suit in part to bring light to some of those shadows: to show how children are bought and sold for sexual services online on Backpage.com.”

According to the lawsuit, two of the girls were in seventh-grade at the time the lawsuit was filed. The other was 15 years old.

Backpage.com had invoked the Communications Decency Act in defending its business, arguing that it does nothing more than host content posted by others and can’t be held liable in state court.

The trial judge disagreed, however, and ruled against the website.

Backpage.com and its parent company appealed, claiming the decision was unprecedented and wrong.

An attorney for the site’s owner, Village Voice Media in New York, declined to comment.

“Today’s decision is an important victory in the long-running fight to combat sex trafficking of minors,” state Attorney General Bob Ferguson said in a statement. “Our office has been a national leader on this issue for many years and will continue to stand up for victims.”

The lawsuit spawned a dozen “friends of the court” briefs by agencies ranging from the Electronic Frontier Foundation to the National Center for Missing and Exploited Children.

Jason Amala, one of the attorneys representing the minor girls — identified only as J.S., S.L., and L.C. — said the court has “recognized that companies like Backpage.com cannot knowingly profit from sex trafficking just because it is a website.”

“Backpage.com is one of the largest online sources of child prostitution and sex trafficking,” Amala said. “Congress never intended to grant that sort of protection to websites.”

He noted that companies like American Express, Visa and MasterCard have stopped doing business with Backpage.com, but said local technology companies have been silent on the issue. He called on leaders of Amazon and Microsoft to step up and tell Congress that “Washington’s highest court got it right.”

The lawsuit alleges that Backpage.com has promulgated rules for posting advertisements that amount to a surreptitious how-to guide for pimps to evade the law and advertise young girls for sale.

Justices Barbara Madsen, Charles Johnson, Debra Stephens and May Yu joined Gonzalez in the majority. Justice Charles Wiggins filed a concurring opinion.

A dissent authored by Justice Sheryl Gordon McCloud argued that Backpage.com is an Internet provider and did not create the content, and therefore is protected from liability from the Communications Decency Act.

McCloud was joined in the dissent by Justices Susan Owens and Mary Fairhurst.

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